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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAUREN E. SUMMA, on behalf of herself	:
individually, and on behalf of all similarly situated	:
employees,	:
	:
Plaintiff,	:
	:
against	:
	:
HOFSTRA UNIVERSITY,	:
	:
Defendant.	:
----- X	

Case No.: 07-CV-3307 (DRH)

ECF Case

AFFIDAVIT OF DR. HERMAN A. BERLINER

STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

Dr. Herman A. Berliner, being duly sworn according to law, deposes and says:

1. I am the Provost and Senior Vice President for Academic Affairs at Hofstra University ("Hofstra"). I make this Affidavit based upon personal knowledge and information, and, on matters with respect to which I do not have direct knowledge, upon a review of documents and records in the possession of Hofstra and conversations with employees of Hofstra.

2. I am familiar with the lawsuit instituted by Lauren E. Summa ("Summa"). I am aware that Summa brought suit against Hofstra on behalf of herself and a putative class of students who have performed services as undergraduate or graduate assistants, and alleges that Hofstra violated various state and federal statutes, by failing to pay her and other students the prevailing minimum wage and overtime pay under those statutes.

3. As Provost and Senior Vice President of Academic Affairs, I am familiar with the requirements that students must fulfill in order to obtain a graduate degree. Hofstra maintains a Graduate Bulletin, entitled Hofstra University Graduate Studies Bulletin (hereinafter the "Graduate Bulletin"). The Graduate Bulletin details all of the Graduate Program policies and requirements, and is available to all graduate students.

4. Lauren Summa ("Summa") is enrolled in the graduate program at Hofstra's School of Communications to obtain a masters degree in Speech Communication and Rhetorical Studies.

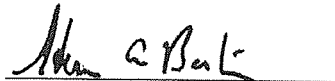
5. In order to obtain her masters degree in Speech Communication and Rhetorical Studies, Summa must fulfill certain residency requirements.

6. These residency requirements are set out in the Graduate Bulletin. Specifically, the Graduate Bulletin provides that "[s]tudents studying for master's degrees must complete at least 24 semester hours of their course work (not including elementary school student teaching) in residence at Hofstra." Annexed hereto as Exhibit A is a true and correct copy of the current residency requirement language from the Graduate Bulletin. Additionally, the Graduate Bulletin can be found on-line in its entirety at <http://bulletin.hofstra.edu/content.php?catoid=29&navoid=727>.

7. Hofstra's graduate student residency requirements have remained the same since Summa enrolled as a graduate student in Hofstra's Graduate School of Communications in 2006. Annexed hereto as Exhibit B is a true and correct copy of the 2006-2007 residency requirement language from the prior version

of the Graduate Bulletin. Additionally, the 2006-2007 Graduate Bulletin can be found on-line in its entirety at http://bulletin.hofstra.edu/content.php?catoid=16&navoid=420#basi_regu_gove.

8. On or about October 18, 2007, Matthew Sobnosky ("Sobnosky"), Faculty Advisor, sent Summa an email regarding her residency requirements as a graduate student in Hofstra's Graduate School of Communications. Annexed hereto as Exhibit C is a true and correct copy Sobnosky's email to Summa.



Dr. Herman A. Berliner

Sworn to and subscribed

on this 28th day of November, 2007

JULIE BLOCK
Notary Public, State of New York
Registration # 02BL6122878
Qualified in Queens County
Commission Expires 02/22/09



Notary Public